

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

BETTY ANN BURKS, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 2:06-CV-1081-MEF
)	
EQUITY GROUP EUFAULA)	
DIVISION, LLC,)	
)	
Defendant.)	

**JOINT MOTION TO APPROVE SETTLEMENT AND TO
DISMISS ACTION PURSUANT TO SUCH SETTLEMENT**

COME NOW the parties, who jointly move to approve the settlement reached in this matter and to dismiss this action pursuant to such agreement:

1. On December 5, 2006, 231 named plaintiffs filed this action alleging violations of, inter alia, 29 U.S.C. §§ 201, et seq., known as the Fair Labor Standards Act (“FLSA”), on behalf of themselves and other employees they sought to represent in a collective action. Defendant denied the allegations in plaintiffs’ complaint and the case proceeded. On or about October 24, 2007, this Court granted conditional certification and notice was sent to the other current or former employees of defendant who filed consents to join this lawsuit.

2. On August 17, 2008, the parties voluntarily entered into mediation of this matter with an agreed upon Mediator. On August 20, 2008, the parties reached a settlement of all issues in this case.

3. Without admitting any liability, defendant has agreed to pay the amount of \$4,000,000 as full and final settlement of all claims and issues in this case.

WHEREFORE, the parties jointly request approval of such settlement and dismissal of this action, which dismissal shall be effective immediately upon approval.

Respectfully submitted,

/s/Robert L. Wiggins, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel for all parties by operation of the court's electronic filing system.

This 27th day of August, 2008.

/s/Robert L. Wiggins, Jr.
Candis A. McGowan